

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on March 8, 2006, and the references cited therewith. Claims 1, 3, and 8 are amended, claims 2, 4-5, 7, 9-10 and 20-21 are canceled, and as a result, claims 1, 3, 6, 8, and 11-19 are now pending in this application.

#### **35 U.S.C. 103(a)**

The Examiner has rejected claims 1-21 under 35 U.S.C. 103(a) as obvious over Desai in view of Moon et al. (2003/0092195) and Morozov (6,350,609). Applicant traverses the Examiner's rejection for the following reasons.

Applicant has amended claim 1 to be commensurate in scope with the disclosure referenced in the Declaration filed March 22, 2005 and submitted therewith. The disclosure supports flow rates of 100pl/s or less.

Claim 3 as amended is supported by the disclosure as a liquid comprising a ligand, a receptor and an enzyme are supported in the disclosure on page 5 since an antigen and an antibody or species of a ligand and a receptor as is well known to one of ordinary skill in the art.

Figure 2 of the disclosure supports claim 6.

Figure 2 of the disclosure supports claim 8.

Figures 1-3 of the disclosure support claims 11-19.

Therefore Moon is not a viable reference since the inventor conceived of his invention prior to the filing date of Moon and the claims as amended are fully supported by the disclosure.

Amended claim 1 is patentable over Desai because Desai teaches ionization of a sample and detection of the ions in the sample at a mass spectrometer "target" detector. The electrospray sample enters an ion sampling orifice on its way to the "target" detector of the mass spectrometer. The ion sampling orifice is not the "target" but merely a point in space that the sample passes on its passage to the "target".

Further, Desai fails to teach electrospray deposition upon a plate, surface or substrate.

Further still, Desai fails to teach the combination of the nozzle size, flow rate and spacing for electrospray deposition onto a surface. Finally, Desai fails to teach the electrode placement, substrate characteristics or vapor treatment.

Since deposition of a sample is not ionization of a sample it is improper to borrow the dimensions and geometry taught by Desai for the mass spectrometer application and apply those teachings to electrospray deposition on a plate because one of ordinary skill in the art would not expect the same results between the two systems.

Morozov is directed to coating a substrate using masks to form a pattern and the mask is placed at a distance from the substrate greater than the distance between the capillary tip and the substrate in the present invention (in Morozov see e.g., column 11, line 65 (15-40 mm); column 26, line 49 (4 mm); column 28, line 4 (20mm)).

Further still, Morozov does not teach the flow rate, inside diameter of the distal tip of the capillary, nor the distance from the capillary tip to the substrate of amended claim 1.

Morozov does not teach, suggest or motivate one to combine the electrospray deposition as taught by Morozov with the electrospray sample introduction into the mass spectroscopy orifice of Desai at a distance of .25 mm. Morozov does not contemplate, suggest or teach improvements to the deposition process by managing the geometries of the capillary tip size nor the distance between the capillary tip and the target substrate.

The present invention is directed to a different method and desired approach so that combining Morozov with Desai would not lead to or suggest the present invention. Further, there is no suggestion to combine the teaching of Morozov with the teaching of Desai to arrive at applicant's invention absent Applicant's disclosure.

Therefore, the Examiner has failed to establish a prima facie case of obviousness as there is no teaching express or implied to combine the references. Therefore claims 1, -21 are patentable over Desai or Morozov.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (505 998 6134) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4213

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